

REMARKS

The present amendment is submitted in response to the Office Action issued on April 7, 2008. A three month petition for extension of time and a Request for Continued Examination (RCE) are submitted herewith. Claims 12-14 and 16-18 were previously pending in the subject application. The Examiner rejected claims 12-14 and 16-18 under 35 U.S.C. §102(b) as anticipated by U.S. Pat. No. 5,940,985 issued to Kamikawa et al. (Kamikawa). Claims 16-18 were also rejected under 35 U.S.C. §102(b) as anticipated by U.S. Pat. No. 6,146,469 issued to Toshima (Toshima). Claims 12-14 and 16-18 were provisionally rejected under the non-statutory obviousness type double patenting doctrine in view of U.S. Pat. App. No. 10/957,003 (the ‘003 application). Claims 12, 16 and 18 are hereby amended. Claim 17 is cancelled and new claims 28 and 29 are added. Reexamination and reconsideration in view of the amendments and arguments submitted herewith is respectfully requested.

The Examiner rejected claims 12-14 and 16-18 as anticipated by Kamikawa. Claims 16-18 were rejected as anticipated by Toshima. Of these claims 12 and 16 are independent and claim 17 is hereby cancelled.

The Examiner previously cited Toshima against some of the above claims. In a December 21, 2007 amendment, Applicants distinguished Toshima from the claims based on the recitation of “supplying a processing gas into the processing container to establish an atmosphere of a positive pressure in a processing container ...” The Examiner did not agree with Applicants’ argument stating that the claims did not recite what pressure was established in the processing container. The underlying reasoning of the Examiner is assumed to be that even though the prior art did not recite establishing a specific pressure in the processing container, the prior art systems would result with some pressure in the processing container and this would anticipate the claims.

After the present amendment, independent claims 12 and 16 better describe the pressure established in the processing container. More specifically, claims 12 and 16 recite that the pressure established in the processing container is “higher than atmospheric pressure.” These amendments to

claims 12 and 16 are supported throughout the specification; see, for example, page 37, first partial paragraph.

Furthermore, as amended, claims 12 and 16 recite that the higher than atmospheric pressure is established in the processing container *before* the solvent vapor is supplied to the processing container. More specifically, both claims 12 and 16 recite “supplying the solvent vapor ... into the processing container in which the atmosphere of the processing gas having the first pressure has been established,” the first pressure being previously defined as being higher than atmospheric pressure in both claims 12 and 16.

Neither Kamikawa, nor Toshima disclose establishing a pressure in the processing container that is higher than atmospheric pressure. Kamikawa discusses in detail the pressure of the vapor generating chamber and the solvent supply unit but does not disclose establishing any specific pressure in the process chamber (or tank). For example, while Kamikawa does state that “inner pressure of the container 101 becomes higher than atmospheric pressure” (col. 9, line 3) it refers to container 101 which is part of the vapor generating chamber and not part of the process chamber (see col. 8, lines 56-61). Kamikawa only discusses the pressure of the process chamber (or tank) when stating that the pressure of the process chamber (or tank) is less than that of container 101 or the vapor generating chamber. Naturally, this does not disclose a pressure of the process chamber that is higher than atmospheric pressure.

One may argue that (i) since Kamikawa does not specify the initial pressure of the process chamber, that pressure is probably atmospheric pressure, (ii) Kamikawa specifies higher than atmospheric pressure in the vapor generating chamber, (iii) Kamikawa discloses connecting the vapor generating chamber to the processing chamber to deliver the solvent vapor to the processing chamber, and (iv) it follows from (i) to (iii) that after the solvent vapor is delivered to the processing chamber, the pressure in the processing chamber would be higher than atmospheric pressure. This argument is not persuasive because even if (i)-(iv) above were true, Kamikawa would not anticipate the present claims because claims 12 and 16 recite that a higher than atmospheric pressure is established in the processing container *before* the solvent vapor is added to the processing container. See above for the specific recitations of claims 12 and 16 that support the latter point.

Similarly, Toshima does not disclose establishing a pressure above atmospheric pressure in the process container. On the contrary – Toshima discloses reducing the pressure in the process chamber to below atmospheric pressure (see, e.g., col. 6, lines 14-18).

Thus, it is respectfully submitted that, for the reasons discussed above, independent claims 12 and 16 are patentable in view of Kamikawa and Toshima, taken alone or in combination. Dependent claims 13, 14 and 18 are also patentable as they depend from patentable claims 12 and 16.

Claims 12-14 and 16-18 were provisionally rejected under the non-statutory obviousness type double patenting doctrine in view of the ‘003 application. The ‘003 application has since issued as U.S. Pat. No. 7,410,543 to Toshima et al. (Toshima II). Applicants respectfully submit that the double patenting rejection is improper because the present claims are not obvious in view of the claims of Toshima II. For example, with respect to independent claim 12, the claims of Toshima II do not recite the steps of “determining pressure of a solvent vapor in a solvent vapor generator;” and “comparing the pressure in the solvent vapor generator with pressure in the processing container supplied with the processing gas.” Similarly, with respect to independent claim 16, the claims of Toshima II do not disclose “regulating pressure of the solvent vapor before the solvent vapor is supplied into the processing container, to a second pressure higher than the first pressure of the processing gas in the processing container.”

The Examiner implied that these steps were inherent because the solvent vapor would have to be of a higher pressure than the pressure of the processing container if the solvent vapor is to be added to the processing container. Applicants disagree. Let us assume, for the sake of argument, that the solvent vapor has to be of higher pressure than the processing gas in order for it to be added to the processing container. It is still not required that the active steps of determining the pressure of the solvent vapor, comparing the pressure of the solvent vapor or regulating the pressure of the solvent vapor be performed. For example, a system may be designed in such a manner as to ensure that the pressure of the solvent vapor is always higher without actually measuring, comparing or regulating the pressure of the solvent vapor. In another example, the solvent vapor may be received from an external source which supplies vapor of reliably high pressure and thus the vapor pressure

may not need to be measured (determined), compared or regulated. If these steps are not required, than these steps are not inherent. Inherency is not established by a mere showing that these steps may be present. Instead, for these steps to be inherently disclosed by the claims of Toshima II, they must be necessarily present, or required for the process disclosed by the Toshima II. See MPEP §2112(IV).

New claims 28 and 29 are added. These claims depend upon independent claims 12 and 16 respectively. Claims 12 and 16 are allowable in view of the cited art for the reasons discussed above. Therefore, new claims 28 and 29 are allowable as well.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5790 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 199372003910.

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Respectfully submitted,

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